

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

-against-

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS
AND EDIBLES, RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

Civil Action No. 15-cv-701-FPG

NOTICE OF MOTION

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| MOTION MADE BY | : | Defendant Dixie Elixir and Edibles, by and through their attorneys, Mazzola Lindstrom LLP, 733 Third Avenue, 15th Floor, New York, NY 1001 |
| DATE, TIME AND PLACE OF HEARING | : | Date and time of hearing to be determined by the Hon. Frank P. Geraci, with place of hearing to be United States District Court, Western District of New York, 100 State Street, Rochester, New York 14614. |
| SUPPORTING PAPERS | : | This notice of motion; movants'; Declaration of Jean-Claude Mazzola, Esq. dated November 16, 2018; Affidavit of Chuck Smith, dated October 30, 2018; and movants' Memorandum of Law dated November 16, 2018. |
| RELIEF DEMANDED AND GROUNDS THEREFORE: | : | <div style="margin-left: 20px;">A. an Order of this Court pursuant to FRCP 56, striking some of Plaintiffs' summary judgment evidence ; and</div> <div style="margin-left: 20px;">B. such other, further and/or different relief favoring movants as is just and proper.</div> |

ANSWERING PAPERS

: Pursuant to WDNY L.R. 7(b)(2)(A), absent different deadlines set by the Court, Plaintiff shall have fourteen (14) days from November 16, 2018 to file and serve responding papers to this motion. Movants intend to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, movants shall have seven (7) days after service of plaintiffs' responding papers to file and serve reply papers in further support of this motion.

ORAL ARGUMENT

: Requested, but to be determined and scheduled by the Court.

Dated: New York, New York
November 16, 2018

Respectfully submitted,

Mazzola Lindstrom LLP

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*Attorneys for Dixie Elixirs LLC, sued
incorrectly herein as Defendant Dixie
Elixirs and Edibles*